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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re D.F., et al., Persons Coming  
Under the Juvenile Court Law.

B290324

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff,

v.

B.F.,

Defendant and Appellant;

N.C.,

Respondent.

(Los Angeles County  
Super. Ct. No. 18CCJP00379)

APPEAL from an order of the Superior Court of Los Angeles County, Thomas E. Grodin, Juvenile Court Referee. Reversed and remanded.

Jesse McGowan, under appointment by the Court of Appeal, for Defendant and Appellant B.F.

Nicole Williams, under appointment by the Court of Appeal, for Respondent N.C.

No appearance for Plaintiff Los Angeles County Department of Children and Family Services.

In this case after sustaining the dependency petition against appellant B.F. (Father) and removing his children, D.F. (seven-years-old) and M.F. (eight-years-old) from his custody, the juvenile court awarded N.C. (Mother) sole custody, terminated dependency jurisdiction and ordered supervised visitation for Father. Father appeals from the visitation order, contending that the court erred in failing to specify the frequency and duration of his visits. We agree and reverse the visitation order and remand the matter to the juvenile court for a determination of the frequency and duration of Father's visits.

### **BACKGROUND<sup>1</sup>**

In May 2018, the juvenile court sustained the Welfare and Institution Code section 300 petition containing, inter alia, allegations that Father abused the children. Thereafter, the juvenile court awarded Mother sole physical and legal custody of the children and terminated dependency jurisdiction and issued an exit order.<sup>2</sup>

The court also issued a visitation order that had been negotiated off the record. Under the order, Father was to have three visits with the children in a therapeutic setting, and thereafter Father was to have supervised visitation with a monitor mutually agreed upon by the parents. The record does not disclose that the court determined the frequency or duration of the ongoing supervised visitation.

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<sup>1</sup> Only the facts relevant to the issues on appeal are discussed here.

<sup>2</sup> Mother was not the subject of the dependency proceedings.

Father timely filed a notice of appeal, challenging the visitation order.

## DISCUSSION

When a juvenile court terminates jurisdiction over a dependent child, it is empowered to make “exit orders” regarding custody and visitation. (Welf. & Inst. Code, §§ 364, subd. (c), 362.4; *In re Kenneth S., Jr.* (2008) 169 Cal.App.4th 1353, 1358.) The juvenile court has the sole power to determine whether visitation will occur, and may not delegate its power to grant or deny visitation; the court shall specify the frequency and duration of those visits in its order. (*In re Grace C.* (2010) 190 Cal.App.4th 1470, 1478; see also *In re M.R.* (2005) 132 Cal.App.4th 269, 274-275.)

Before this court, the parties agree, and we concur that the juvenile court erred in omitting from the visitation order the frequency and duration of Father’s supervised visits. Without this information, the court effectively delegated to the Mother discretion to control whether visitation would occur at all. (See *In re T.H.* (2010) 190 Cal.App.4th 1119, 1121–1122 [reversing a visitation order for violating the non-delegation rule where in addition to court awarding mother custody and terminating jurisdiction, the court ordered supervised visitation for the father “to be determined by the parents”].) We thus reverse the visitation order and remand the matter to the juvenile court with directions to specify the frequency and duration of Father’s visits.

## **DISPOSITION**

The portion of the exit order regarding visitation is reversed, and the matter is remanded to the juvenile court with directions to specify the frequency and duration of Father's visits.

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ROTHSCHILD, P. J.

We concur:

JOHNSON, J.

BENDIX, J.